

## **DEPARTMENT OF FOOD AND AGRICULTURE**

### **INITIAL STATEMENT OF REASONS**

**Hearing Date:** No hearing is scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department of Food and Agriculture no later than 15 days prior to the close of the written comment period.

**Subject Matter of Proposed Regulations:** Meat and Poultry Inspection

**Sections Affected:** Various Sections of Subchapter 1 of Chapter 4, Division 2, of Title 3 Cal. Code Reg.

#### **Specific Purpose of Each Adoption, Amendment, or Repeal**

Existing law, Food and Agricultural Code Chapter 4 (commencing with section 18650), 4.1 (commencing with section 18940), Chapter 5 (commencing with section 19200), Chapter 6 (commencing with section 19501) of Part 3, Division 9, and Chapter 2 (commencing with section 24651) and Chapter 3 (commencing with section 24951) of Part 1, Division 12, 5 of Part 1, Division 12, authorize the Department of Food and Agriculture's (Department) Meat and Poultry Inspection Branch to license and inspect custom livestock slaughterhouses, pet food slaughterers, and meat processing establishments, that are exempt from federal inspection. The Branch also trains and licenses industry personnel to become licensed Livestock Meat Inspectors and Processing Inspectors to perform meat inspection activities. Such meat processing establishments and inspection activities pertain to facilities that are exempt from inspection by the United States Department of Agriculture (USDA), but require inspection in California.

To implement the above-referenced statutes, the Department has in place existing regulations under Articles 1, 2 and 3 of Subchapter 1, Chapter 4, Division 2 of Title 3 of the California Code of Regulations. The regulations specify the requirements for inspecting meat and poultry in California, the examination and licensure requirements for Livestock Meat Inspectors and Processing Inspectors, and the requirements for persons operating a slaughter and/or meat processing establishment. The regulations also include references to the Code of Federal Regulations (CFR) relating to meat and poultry inspection.

This proposal reorganizes the existing regulations for meat and poultry inspection and adopts substantive updated requirements under new Articles 1 through 14 of Subchapter 1 of Chapter 4, Division 2, of Title 3 of the California Code of Regulations. The Department is adopting, or incorporating by reference, specified sections of the following federal rules, requirements, and policies with such changes as specified in this proposal to make them applicable to state operations and transactions for meat and poultry inspection:

- 7 USC Ch. 48 (1-7-03) Humane Methods of Livestock Slaughter
- 21 UCS Ch. 9 (1-2-01) Federal Food, Drug, and Cosmetic Act
- 9 CFR Ch. III (2005) Part 301 Terminology; Adulteration and Misbranding Standards
- 9 CFR Ch. III (2005) Part 302 Application of Inspection and Other Requirements
- 9 CFR Ch. III (2005) Part 303 Exemptions
- 9 CFR Ch. III (2005) Part 307 Facilities for Inspection
- 9 CFR Ch. III (2005) Part 309 Ante-Mortem Inspection
- 9 CFR Ch. III (2005) Part 310 Post-Mortem Inspection
- 9 CFR Ch. III (2005) Part 311 Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
- 9 CFR Ch. III (2005) Part 312 Official Marks, Devices and Certificates
- 9 CFR Ch. III (2005) Part 313 Humane Slaughter of Livestock
- 9 CFR Ch. III (2005) Part 314 Handling and Disposal of Condemned or other Inedible Products at Official Establishments
- 9 CFR Ch. III (2005) Part 316 Marking Products and Their Containers
- 9 CFR Ch. III (2005) Part 317 Labeling, Marking Devices, and Containers
- 9 CFR Ch. III (2005) Part 318 Entry into Official Establishments; Reinspection and Preparation of Products
- 9 CFR Ch. III (2005) Part 319 Definitions and Standards of Identity or Composition
- 9 CFR Ch. III (2005) Part 381 Poultry Inspection, Subpart C, Exemptions
- 9 CFR Ch. III (2005) Part 381 Poultry Inspection, Subpart P, Definitions and Standards of Identity or Composition
- 9 CFR Ch. III (2005) Part 416 Sanitation
- 9 CFR Ch. III (2005) Part 424 Preparation and Processing Operations
- 21 CFR Ch. I (2004) Part 170 Food Additives, Subparts A and B
- USDA/FSIS Directive 7120.1 (11-3-03, 8-4-04 and 4-7-05) Safe and Suitable Ingredients Used in the Production of Meat and Poultry Products
- USDA/FSIS Directive 7220.1, Revision 3, March 2, 1985 Food Labeling Division Policy Memoranda
- USDA/FSIS, Office of Policy Program Development Food Standards and Labeling Policy Book, May 2003

### **Factual Basis**

The Animal Health and Food Safety Services Division of the Department is comprised of five Branches: Animal Health Branch, Meat and Poultry Inspection Branch, Milk and Dairy Food Safety Branch, Livestock Identification, and the Veterinary Diagnostic Laboratory System.

This proposal pertains to the Meat and Poultry Inspection Branch of the Department, which provides inspection services to slaughterhouses and processing plants that are exempt from federal inspection, but require inspection in California.

Branch inspectors ensure that only wholesome and properly labeled products are provided to consumers and ensure that meat and poultry products not intended for human or pet consumption are prevented from entering food channels. The Branch also provides inspection in pet food slaughter and processing plants, monitors rendering

companies, and conducts an industry-funded program to assure compliance with state regulations pertaining to inedible kitchen grease.

Following are the operations that the Branch licenses and inspects that are exempt from mandatory inspection by the USDA:

- Retail meat processors who prepare meat or poultry products by curing, smoking, or drying, rendering, or who cook pork products for retail sales only.
- Custom livestock slaughter plants that slaughter cattle, sheep, swine, and goats raised or purchased live by owners. The meat is to be used by the owner, the owner's family, nonpaying guests or employees. It cannot be sold. Custom livestock slaughterhouses also slaughter fallow deer, the products of which can be sold.
- Poultry plants that slaughter species not subject to USDA inspection, such as rabbit, quail, partridge, and other domesticated fowl.
- Retail poultry plants that sell live poultry and slaughter them for customers.
- Non-retail poultry plants that slaughter or process less than 20,000 turkeys, chickens, ducks, geese, ostrich, emu, squab, and guineas a year.
- Collection centers for temporary storage of animal carcasses or packinghouse waste before transport to a licensed rendering plant.
- Dead haulers who transport carcasses of dead livestock and horses.
- Renderers of animal tissue into inedible industrial fats, oils, and other products.
- Pet food processors that prepare fresh or frozen raw meat products for pet food.
- Pet food slaughterers that slaughter livestock, poultry, and equines for pet food.
- Importers of fresh or frozen raw meat, horsemeat, poultry or by-products for pet food.

The Branch also registers and monitors transporters of inedible kitchen grease; reviews for approval meat inspection systems of states and foreign countries desiring to ship slaughtered non-amenable species to California; provides inspection of slaughtered domesticated rabbits, ratites and other species shipped to California from other countries. The Branch reviews sanitation and records of custom exempt establishments (locker plants that cut, wrap, and process meat from farm killed livestock); conducts investigations and seeks prosecution for violations of the Food and Agricultural Code pertaining to meat and poultry slaughter, processing and inedible kitchen grease.

This proposal addresses the requirements for the licensing and inspection of custom livestock slaughterhouses, pet food slaughterers, and meat processing establishments,

and the examination and licensing of Livestock Meat Inspectors and Processing Inspectors. Custom Livestock Slaughterhouses are establishments that slaughter cattle, swine, sheep and goats for use by the owner, and fallow deer for commercial sales. Meat Processing Establishments are retail stores that prepare meat and poultry products by curing, smoking, drying, or rendering for sale to household consumers. Pet Food Slaughterers kill and prepare cattle, goats, sheep, swine, equines, other large domesticated animals, and poultry for consumption for pet food purposes.

In formulating this proposal, the Department has adopted requirements consistent with the rules, regulations, and standards of the USDA, except where they pertain to California, pursuant to sections 18735 and 18961 of the Food and Agricultural Code, which state:

*"Section 18735. The director may adopt, by reference or otherwise, such provisions of the rules and regulations under the federal acts, with such changes therein as he deems appropriate to make them applicable to operations and transactions subject to this chapter, which shall have the same force and effect as if promulgated under this chapter, and promulgate such other regulations as he deems necessary for the efficient execution of the provisions of this chapter."*

*"Section 18961. The director, by regulation, may adopt provisions of the rules and regulations made under federal acts with such changes therein as he or she deems appropriate to make them applicable to operations and transactions subject to this chapter."*

Pursuant to sections 18735 and 18961, the Department is incorporating by reference 7 USC Ch. 48 (1-7-03), 21 USC Ch. 9 (1-2-01), 9 CFR Ch. III (2005) Parts 301, 302, 303, 307, 309, 310, 311, 312, 313, 314, 316, 317, 318, 319, 381, 416 and 424, 21 CFR Ch. I (2004) Part 170, USDA/FSIS Directive 7120.1 (11-3-03, 8-4-04 and 4-7-05), USDA/FSIS Directive 7220.1, Revision 3 (3-2-85), and USDA/FSIS, Office of Policy Program Development Food Standards and Labeling Policy Book, May 2003, with such changes, as specified in this proposal, where the requirements apply to state operations and transactions for meat and poultry inspection.

The factual basis and rationale for each adoption, amendment and repeal of specified sections and Articles under Subchapter 1 of Chapter 4, Division 2, of Title 3 of the California Code of Regulations, is as follows:

### **Repeal Article 1. State-Federal Meat and Poultry Inspection**

The Department is repealing Article 1 and sections 900, 900.1, 901, 902, 903, 904, 920 and 921, which contain outdated requirements for meat and poultry inspection and contain outdated references to the CFR.

## **Adopt New Article 1. Meat and Poultry Inspection**

This article sets forth the requirements for meat and poultry inspection in California. The article defines the standards and requirements for program inspectors, licensed Livestock Meat Inspectors and Processing Inspectors to conduct inspections. The purpose of this article is to ensure that only wholesome and properly labeled products are provided to consumers, and to ensure that meat and poultry products not intended for human or pet consumption are prevented from entering food channels. The sections under Article 1 are as follows:

### **Adopt Section 900. Definitions.**

This section clearly specifies the terms used throughout Subchapter 1 of Chapter 4, of Division 2. The terms and definitions are consistent with the definitions specified in 9 CFR Ch. III (2005) sections 301.1 and 301.2, except where they specifically pertain to the Department and Branch. The definitions are consistent with the terms used in the meat and poultry industries, and are consistent with existing veterinary medical practices and terminology.

### **Adopt Section 900.1. Code of Federal Regulations Terminology.**

This section is needed for clarity purposes so the public may be aware of the differences in the terms used in both state and federal regulations, and the applicable parts of the CFR and comparable Articles of this proposal.

### **Adopt Section 900.2. Scope of Inspection.**

Subsections (a) and (b) contains specific statutory authority citations that pertain to the slaughter and processing plants and the products processing at such plants that are subject to state inspection. These sections clarify the establishments and products that require state inspection except where exempted by the Food and Agricultural Code or unless they require inspection by the USDA. The sections also specify the required form to be used to apply for state exemption, "Custom Exempt Registration Form", which is incorporated by reference, and a copy is included in this filing.

Subsection (b)(1) clarifies that state inspection is required for all establishments that slaughter cattle, sheep, swine, or goats except where exempted by the Food and Agricultural Code, or unless they are required to be inspected by the USDA. This requirement is consistent with 9 CFR Ch. III (2005) section 303.1.

Subsection (b)(2) clarifies that state inspection is required for custom slaughter establishments that process poultry products exclusively for the use by the owner of the establishment or his/her household and nonpaying guests and employees. This requirement is consistent with 9 CFR Ch. III (2005) section 381.10.

Subsection (b)(3) clarifies that state inspection is required for operations involving the preparation of products of cattle, sheep, swine, goats, or poultry for retail establishments or restaurants for sale to consumers, including establishments involved in curing, during, smoking or rendering of products. This requirement is consistent with 9 CFR Ch. III (2005) section 303.1.

Subsection (c) provides the statutory authority for the inspection of establishments that slaughter poultry, unless the establishments are exemption by the Food and Agricultural Code or the USDA.

Subsection (d) clarifies that activities involving horsemeat and pet food are not subject to state inspection under this proposal pursuant to Chapter 5 (commencing with section 19200) of Part 3, Division 9 of the Food and Agricultural Code.

Subsection (e) clarifies that establishments slaughtering fallow deer and/or preparing fallow deer products for transportation or sale are subject to state inspection pursuant to Chapter 4.1 (commencing with section 18940) of Part 3, Division 9 of the Food and Agricultural Code.

### **Amend Article 2. Supplemental Requirements, Licensing and Inspection**

For clarity purposes, the Department is amending the licensing and inspection requirements for persons applying to become licensed Livestock Meat Inspectors and Processing Inspectors. The sections under Article 2 are as follows:

#### **Renumber Section 927 to read 901. Authority of Livestock Meat Inspectors, Processing Inspectors, and Persons Responsible for Operation of Custom Livestock Slaughterhouses and Meat Processing Establishments.**

This section is amended to clarify that a person must be licensed by the Department to conduct inspections at custom livestock slaughterhouses or meat processing establishments. Licensees shall ensure slaughter operations conform to the requirements under this subchapter, and that slaughter establishment duties shall not interfere with the inspections conducted at the slaughter establishment.

#### **Renumber Section 928 to read 901.1. Condemnation and Retention of Product.**

This section is amended to provide the statutory authority for the Department to condemn or retain a product for a violation of Chapters 4 and 4.1 of Part 3, Division 9 of the Food and Agricultural Code, and the requirements of this subchapter.

#### **Renumber Section 929 to read 901.2. Grounds for Disciplinary Action.**

This section is amended to provide the statutory authority for the Department to seek disciplinary action for persons violating the inspection requirements under Chapters 4 and 4.1 of Part 3, Division 9 of the Food and Agricultural Code, or the requirements of this subchapter.

#### **Renumber Section 931 to read 901.3. Licenses.**

Subsection (a) has been added to specify the required application forms for persons applying for a Processing Inspector license or a Livestock Meat Inspector license. Since the forms are specific to the industry, and generally do not affect the population of the state, the Department is incorporating the forms by reference, with a copy included in this filing. This subsection also includes the authority reference for the application and renewal fees required by statute.

Subsection (b) is amended to specify that the Department will provide each applicant for licensure a copy of extracts from the Food and Agricultural Code, the California Code of Regulations, and to specify the handbooks for use in preparation for the licensing examination. The Department believes this information is helpful to applicants for licensure for a Livestock Meat Inspector or Processing Inspector.

Subsection (c) contains existing regulatory text, no changes are proposed at this time.

Subsection (d) is amended to include the requirement that the current license renewal certificate or a copy shall be posted and readily visible at the establishment where inspections are conducted. This requirement will ensure only properly licensed persons are conducting the inspections required by the Department.

Subsection (e) contains existing regulatory text, no changes are proposed at this time.

Subsection (f) has been added to specify the required application forms for a person to operate a custom livestock slaughter establishment or a meat processing plant. Since the forms are specific to the industry, and generally do not affect the population of the state, the Department is incorporating the forms by reference, with a copy included in this filing. This subsection also includes the authority reference for the application and renewal fees required by statute.

Subsection (g) is amended to clarify that if there is a change of ownership, authorized agent, or location of an existing slaughter establishment that such establishment shall be subject to reassessment. A new license will then be issued under the new name and/or the new location of the slaughter establishment. The Department believes this requirement is necessary to ensure the new owner of the establishment is aware that the slaughter facility must continue to meet all statutory and regulatory requirements under the new ownership, or if the facility changes locations, the facility must comply with current regulations.

Renumber Section 932 to read 901.4. Examinations.

Subsection (a) is amended to provide the statutory authority for the Department to conduct inductive training for persons to become licensed Livestock Meat Inspectors and Processing Inspectors.

Subsection (a)(1) is amended to clarify the subject areas of training pertain to applicants for a Livestock Meat Inspector's license.

Subsections (a)(1)(A) through (G) contain numbering/lettering changes only.

Subsection (a)(2) clarifies that the subject areas of training pertain to applicants for licensure for a Processing Inspector.

Subsections (a)(2)(A) through (J) contain numbering/lettering changes. Also, the reference to the Director conducting mandatory maintenance training for licensees

has been stricken. The Department is adopting a new section 901.5 to address mandatory maintenance training for licensees.

Subsection (b) contains the requirement that plant management is to provide the time and resources for the training of employees that apply for licensure as a Livestock Meat Inspector or Processing Inspector. The Department believes that this requirement is necessary in regulation; however, the Department believes that the plant's management is to decide the amount of time that may be allocated to the training of its employees seeking licensure.

Adopt Section 901.5. Mandatory Maintenance Training.

This specifies that the Department shall provide maintenance training to licensed Livestock Meat Inspectors and Processing Inspectors. After a person becomes licensed to inspect or process meat and/or poultry products, the Department provides annual training classes. The classes are necessary for licensees to keep apprised of current laws, regulations, and methodologies for conducting ante-mortem and post-mortem inspections, humane handling and slaughter of livestock, formulation and restricted ingredient control, pathogen reduction, microbiology, and so forth. The dates and locations of training vary throughout the state, therefore, the Department provides current training information throughout the year to licensees. It is the licensee's responsibility to attend one of the training courses scheduled in various locations throughout the state each year. It is also the responsibility of the slaughter or meat processing establishment's management to allow its inspectors to attend the Department's training courses.

Renumber Section 933 to read 901.6. Animals Killed off Premises.

This section contains a prohibition to animals that are killed off the premises of a custom livestock slaughter establishment. Such animals shall not be accepted onto the premises of the establishment. However, if the animal died en route to the slaughter establishment, it may be brought onto the premises, but must be kept separate from edible product areas and destroyed according to section 907 of this subchapter. This requirement is necessary to ensure that no contaminants enter areas where products are processed that are destined for the marketplace.

Renumber Section 934 to read 901.7. Presence of Inspector on Premises.

The existing text of this section specified the requirement that a livestock meat inspector must be on the premises of the slaughter establishment to supervise slaughter procedures. This section is amended to add the requirement that a processing inspector must be on the premises of a meat processing establishment when a product is formulated, and when monitoring weights or temperatures. Therefore, the establishment operator is aware that a licensed inspector shall be on the premises during all phases of its operations.

Adopt Section 901.8. Inspector Responsibilities.

This section outlines the duties of the inspector working on the premises at an official establishment during all phases of the processing of meat and poultry. The inspectors carry out monitoring activities, including checks on product preparation to assure that official establishments are maintaining control of their processes.



Among the monitoring activities are food ingredient calculations, which are intended to ensure that meat and poultry products are not adulterated or misbranded.

Subsection (a) informs licensed inspectors that the meat and poultry products produced at official establishments must comply with the requirements of Chapter 4 (commencing with section 18650), and Chapter 4.1 (commencing with section 18940) of Part 3, Division 9, of the Food and Agricultural Code, and the regulations of this proposal.

Subsection (b) specifies the form that is required to be completed by official establishments so the Department is aware of the specific days and hours an inspector will conduct their inspections. The form is entitled, "Schedule of Operations" and is specific to the industry, therefore, the Department is incorporating the form by reference, with a copy included in this filing. The official establishment may change the days or hours of inspection provided they receive approval from the Department.

Subsection (c) specifies the required forms to be completed by the processing inspector for the review of cooked sausage products, cured, cooked, and smoked meats produced in the meat processing establishment. Curing is the addition of salt, sodium nitrate, and nitrites for meat preservation, color development and flavor enhancement. Nitrite provides protection against the growth of botulism-producing organisms, acts to retard rancidity, and stabilizes the flavor of cured meat. The forms entitled, "In-Depth Review of Cooked Sausage" and "In-Depth Review of Cured, Cooked and Smoked Meats", must be provided to the Department upon completion by the inspector. Again, since the forms are specific to the industry, they are incorporated by reference, with a copy included in this filing.

Subsection (d) specifies the procedures to follow when an inspector finds any discrepancy between establishment operations and the statutory requirements of Chapter 4 (commencing with section 18650) or Chapter 4.1 (commencing with section 18940) of Part 3, Division 9, of the Food and Agricultural Code, or the regulations of this subchapter, or in the label and formulation approval for a meat food product. The meat and poultry product standards are in place to assure that consumer expectations are met for a product that is labeled with a certain name. If the products are not prepared in accordance with the state's laws and regulations, the inspector places a "California Retained" tag on the product and contacts the Department. The inspector is to ensure the product is either brought into compliance with state regulations, or disposed of in accordance with section 907 of this proposal. The form referenced in this subsection is the "Label and Formulation Approval" form that must be completed by the inspector at the official establishment, and is incorporated by reference. A copy of the form is included in this filing.

Subsection (e) clarifies that the inspector shall review all labels and product formulations with a Department inspector. The labels, product formulations, and a completed "Label and Formulation Approval" form must then be sent to the Department for approval. The specific labeling requirements are found in 9 CFR Ch.

III (2005) Part 317 et seq., and Article 10 of this proposal. Proper labeling of products provides the public with specific information on the permitted amounts and uses of various substances that are allowed to be used in meat and poultry products. The substances must not be used in a manner that would deceive the consumer by concealing spoilage or inferiority, or by causing the products to appear of a different size, weight, or quality than they actually are.

Subsection (f) specifies the required form to be completed by inspectors to record the temperature of each lot of smoked meat food products. The form is entitled, "Smokehouse Chart" and is to be completed by the inspector at least once a month. The inspector oversees the establishment's operations at the point of formulation of the product, rather than waiting until the end of the process to check the finished product through laboratory analysis. This is necessary so that the process can be controlled when the ingredients are added before the cooking process. The "Smokehouse Chart" is also incorporated by reference in this proposal, and a copy is included in this filing.

Subsection (g) specifies that the inspector is to notify the Department when any changes are made to product formulations or in product manufacturing procedures. This will ensure the official establishment's meat and poultry products continue to meet the compositional requirements and standards of labeling pursuant to state rules and regulations for wholesome and safe food products.

Subsections (h)(1) through (3) are needed to ensure the inspectors oversee the establishment's processing of each cured pork or cured beef product produced by the establishment. The inspection must take place at least once a month, and the inspector is to ensure that the products are processed according to the formulations approved on the "Label and Formulation Approval" form that is completed by the establishment, and on file with the Department. The reference to "green weight" and "pumped weight" is used in this subsection because it pertains to product formulation, prior to cooking, curing, or other processes. The procedure for the inspector to ascertain that restricted ingredients used in product formulation comply with the state's rules and regulations is that calculations for allowing ingoing amounts are based different weight calculations. These different weights vary according to the type of ingredient, type of product, and purpose of the ingredient's use in the product. The green weight means the weight of the raw untreated meat block. The pumped weight means the weight of the meat, poultry, meat byproduct, or poultry byproduct after the addition of salt, sodium nitrate, nitrites, sugars, seasonings, phosphates, ascorbates, or other approved additives, in solution, for meat preservation, color development and flavor enhancement.

#### Adopt Section 901.9. Custom Livestock Slaughterhouse or Meat Processing Establishment: Approval of Plans, Notice of Approval, and Granting of a License.

Meat and poultry processors must operate in a manner that protects human health and the environment while maintaining the highest food safety standards. Facilities must be constructed in a manner that creates and maintains sanitary conditions. They must be readily cleanable; provide ample space; exclude pests; have adequate ventilation and lighting; have adequate plumbing for cleaning operations

and drainage; provide for proper storage of product, additives, and non-food compounds; create suitable product flow; and otherwise be constructed in a manner that prevents product adulteration. Therefore, before a person can apply for a license to operate a custom livestock slaughterhouse or a meat processing establishment, or remodel or expand upon an existing establishment, they must first submit plans for construction to the Department for approval.

Subsection (a) specifies provides detailed instructions for the submittal of construction or remodeling plans to the Department for a custom livestock slaughter facility or a meat processing establishment. The plans are necessary for the Department to evaluate the structure to ensure it complies with the statutory and regulatory requirements.

Subsection (b) specifies the application forms that must be completed for a person to construct a new facility, or expand or remodel an existing facility. The forms are entitled, "General Facility Notes" and "Custom Livestock Slaughter or Meat Processing Plant License Application". They are incorporated by reference, and copies are included in this filing. This subsection also specifies the application and renewal fees for licensure pursuant to Food and Agricultural Code sections 19010 and 19011.

Subsection (c) requires each applicant to submit to the Department official results of tests for potability of the establishment's water supply, as provided by the Department of Health Services. The test results must be generated by an agency or laboratory approved by the Department of Health Services or a laboratory approved by the Department of Food and Agriculture. The reason for this requirement is that the Department of Health Services has several regional offices throughout the state that test for certain contaminants in drinking water. There are various requirements under the Department of Health Services regulating safe drinking water. Operators of slaughter or meat processing establishments must ensure the facility only uses water that is safe for human consumption.

Subsection (d) provides applicants with information on how they may obtain guidance from the Department when building a new slaughter or processing establishment, or remodeling or expanding upon an existing establishment.

Subsection (e) is needed to inform applicants that are building or remodeling a slaughter or processing establishment of the local zoning laws. Each county has various laws and regulations relating to building structures and it is the responsibility of the applicant to obtain the necessary local and county permits before building or remodeling can take place.

#### Adopt Section 901.10. Official Numbers; Separation from Non-licensed Plants.

Subsections (a) and (b) are needed to inform applicants that are granted a license for a custom livestock slaughter or processing establishment, they must obtain a separate license for each location. Both the licensed and unlicensed establishments must be separate, and they cannot operate under one license number. This is needed for enforcement tracking purposes.

Adopt Section 901.11. Schedule of Operations.

Subsections (a), (b), and (c) specify the required form, "Schedule of Operations" that must be completed by each licensed custom livestock slaughterhouse and each licensed meat processing establishment. The form is kept on file by the Department, and if any changes are made to the establishment's schedule of operations, they must notify an area supervisor. If the changes are permanent, a new form must be completed by the establishment operator. These requirements are necessary for enforcement tracking purposes.

**Adopt Article 3. Facilities for Inspection and Sanitation Requirements**

Article 3 establishes the requirements for facility inspection and sanitation for program inspectors, licensed Livestock Meat Inspectors and Processing Inspectors. The sections under Article 3 are as follows:

Adopt Section 902. General Requirements.

This section is needed to specify that all official establishments are to be operated and maintained to ensure sanitary conditions, and that the product is not adulterated. Such requirements are necessary whether the plant is in operation or not operating. The term "official establishment" is defined in section 900 of this proposal and means any facility where animals are slaughtered or meat or poultry is cured, smoked, dried, or rendered, which requires inspection by the state.

Adopt Section 902.1. Facilities for Inspection - Program Employees.

This section was copied, in part, from 9 CFR Ch. III (2005) section 307.1, as the Department requires less than what is required by the USDA.

Adopt Section 902.2. Other Facilities and Conditions Provided by Official Establishments.

Subsection (a) was copied, in part, from 9 CFR Ch. III (2005) section 307.2 (first paragraph), changing the federal terms to apply to California.

Subsection (a)(1) was copied, in part, from 9 CFR Ch. III (2005) section 307.2(a), changing the federal terms to apply to California.

Subsection (a)(2) was copied from 9 CFR Ch. III (2005) section 307.2(b) except the Department added the requirements that measurements shall be taken at a height of 30 inches off the floor for the following:

- (A) At least 50 foot candles at post-mortem inspection stations.
- (B) At least 30 foot candles at ante-mortem inspection stations and in processing areas.
- (C) At least 10 foot candles in all other areas of the establishment.

The reason for the above requirements are that 9 CFR Ch. III (2005) section 307.2(m)(2) requires 50 foot candles at "inspection surfaces of the head, viscera, and carcass." This is necessary to provide sufficient lighting to conduct inspections and to prevent errors in slaughter, dressing, and processing that might result in

product adulteration. It is imperative that there be enough light for an inspector to spot conditions on ante-mortem inspection that might result in condemnation or identification as “Suspect” of the animal. It is also imperative that there be even greater intensity of light where post-mortem inspections are made in order to identify lesions and conditions that are of significance in arriving at a post-mortem disposition of the carcass and parts.

Subsections (a)(3), (4), (5) and (6) was copied from 9 CFR Ch. III (2005) section 307.2(e), changing federal terms to apply to California.

Subsection (a)(7) was copied from 9 CFR Ch. III (2005) section 307.2(f). The Department added the requirement for Custom Livestock Slaughterhouses to have a container of hot water near the eviscerating area that is maintained during all scheduled hours of operation at a temperature of 180 degrees F or greater. The container of hot water shall be large enough to enable immersion of the blade of each knife, saw, or other similar implement used in skinning, evisceration, and splitting the livestock carcass. This is necessary for sanitizing equipment that is contaminated during the dressing and inspection procedures. Saws are required to be sanitized after splitting a carcass or the brisket of a carcass. Saws and knives may become contaminated by encountering abscesses, contamination, or other lesions. It is a good standard sanitation operating procedure to frequently rinse and sanitize handheld equipment during processing operations. Water held at 180 degrees F is an effective sanitizer for clean equipment.

Subsection (a)(8) was copied from 9 CFR Ch. III (2005) section 307.2(h) changing federal terms to apply to California.

Subsection (a)(9) was copied, in part, from 9 CFR Ch. III (2005) section 307.2(i) as the Department requires less than what is required by the USDA.

Subsection (a)(10) was copied from 9 CFR Ch. III (2005) section 307.2(j) changing federal terms to apply to California.

Subsection (b) was copied, in part, from 9 CFR Ch. III (2005) section 307.2(m) eliminating federal references.

Subsection (b)(1) was copied from 9 CFR Ch. III (2005) section 307.2(m)(2).

Subsection (b)(2) was copied, in part, from 9 CFR Ch. III (2005) section 307.2(m)(3), as the Department requires less than what is required by the USDA.

#### Adopt Section 902.3. Inspectors.

This section was copied, in part, from 9 CFR Ch. III (2005) section 307.3, changing the federal references to pertain to California.

#### Adopt Section 902.4. Official Establishment Grounds and Facilities.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 416.2.

Adopt Section 902.5. Equipment and Utensils.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 416.3.

Adopt Section 902.6. Sanitary Operations.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 416.4.

Adopt Section 902.7. Employee Hygiene.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 416.5.

Adopt Section 902.8. Tagging Insanitary Equipment, Utensils, Rooms or Compartments.

This section was copied, in part, from 9 CFR Ch. III (2005) section 416.6, changing the federal references to pertain to California.

Adopt Section 902.9. Development of Sanitation Standard Operating Procedures.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 416.12, except that the Department is requiring each establishment to establish, implement and maintain sanitation standard operating procedures (SOPs) by January 1, 2007.

Adopt Section 902.10. Implementation of Sanitation SOP's.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 416.13.

Adopt Section 902.11. Maintenance of Sanitation SOP's.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 416.14.

Adopt Section 902.12. Corrective Actions.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 416.15.

Adopt Section 902.13. Records Retention.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 416.16.

Adopt Section 902.14. Department Verification.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 416.17.

**Adopt Article 4. Ante-Mortem Inspection**

The Department is establishing a new article to define the standards and requirements for program inspectors and licensed Livestock Meat Inspectors to conduct ante-mortem inspections. The livestock diseases and conditions under this article are identified according to their food-safety or other consumer-protection significance. Diseases and conditions likely to present a meat or poultry-borne hazard to public health are considered food-safety hazards. Diseases and conditions having other consumer-protection significance are defects that rarely or never present a direct public health risk, but that are unacceptable components of meat and poultry products. Diseases and conditions in these categories are to be removed from the human food supply. The sections under Article 4 are as follows:

Adopt Section 903. Ante-Mortem Inspection in Pens of Official Establishments.

Subsections (a) and (b) were copied, in part, from upon 9 CFR Ch. III (2005) section 309.1, changing the federal terms to pertain to California, and the Department requires less than what is required by the USDA.

Adopt Section 903.1. Livestock Suspected of Being Diseased or Affected with Certain Conditions; Identifying Suspects; Disposition on Post-Mortem Inspection or Otherwise.

This section both copies, in part, and incorporates by reference 9 CFR Ch. III (2005) section 309.2, as the federal requirements are similar to California, except that no Custom Livestock Slaughterhouse shall receive nonambulatory livestock. For clarity purposes, the Department has provided a table showing the applicable sections referenced in section 309.2 of the CFR, and the corresponding sections of this proposal.

Adopt Section 903.2. Dead, Dying, Disabled, or Diseased and Similar Livestock.  
The Department is incorporating by reference 9 CFR Ch. III (2005) section 309.3.

Adopt Section 903.3. Livestock Showing Symptoms of Certain Metabolic, Toxic, Nervous, or Circulatory Disturbances, Nutritional Imbalances, or Infectious or Parasitic Diseases.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 309.4.

Adopt Section 903.4. Swine; Disposal due to Hog Cholera.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 309.5.

Adopt Section 903.5. Epithelioma of the Eye.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 309.6.

Adopt Section 903.6. Livestock Affected with Anthrax; Cleaning and Disinfection of Infected Livestock Pens and Driveways.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 309.7.

Adopt Section 903.7. Cattle Affected with Anasarca and Generalized Edema.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 309.8.

Adopt Section 903.8. Swine Erysipelas.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 309.9.

Adopt Section 903.9. Onset of Parturition.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 309.10.

Adopt Section 903.10. Vaccine Livestock.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 309.11.

Adopt Section 903.11. Emergency Slaughter.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 309.12.

Adopt Section 903.12. Disposition of Condemned Livestock.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 309.13.

Adopt Section 903.13. Brucellosis-Reactor Goats.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 309.14.

Adopt Section 903.14. Vesicular Diseases.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 309.15.

Adopt Section 903.15. Livestock Suspected of Biological Residues.

This section was copied, in part, from 9 CFR Ch. III (2005) section 309.16, changing the federal references and terms to pertain to California.

Adopt Section 903.16. Livestock used for Research.

This section was copied, in part, from 9 CFR Ch. III (2005) section 309.17. The Department deleted the federal exceptions for official establishments in California to the requirements that no livestock used in any research investigation involving an experimental biological product, drug, or chemical shall be eligible for slaughter. The Department believes that the exceptions provided for in federal regulations should not apply to livestock slaughtered in custom livestock slaughterhouses because such livestock are presented by the owners of the animals or are purchased live by the owners at the establishment before such presentation. There is no practical method for owners or the Department to determine if any livestock previously used in any research investigation involving an experimental biological product, drug, or chemical is capable of producing safe unadulterated product for use by the owner.

Adopt Section 903.17. Official Marks and Devices for Purposes of Ante-Mortem Inspection.

This section was copied, in part, from 9 CFR Ch. III (2005) section 309.18, changing federal terminology to pertain to California.

**Adopt Article 5. Post-Mortem Inspection**

The Branch is establishing a new article to define the standards and requirements for program inspectors and licensed Livestock Meat Inspectors to conduct post-mortem inspections. The purpose of this article is to ensure that only wholesome and properly labeled products are provided to consumers, and to ensure that meat and poultry products not intended for human or pet consumption are prevented from entering food channels. The sections under Article 5 are as follows:

Adopt Section 904. Extent and Time of Post-Mortem Inspection.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 310.1(a).

Adopt Section 904.1. Identification of carcass with certain severed parts thereof and with animal from which derived.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 310.2.



Adopt Section 904.2. Carcasses and parts in certain instances to be retained.  
The Department is incorporating by reference 9 CFR Ch. III (2005) section 310.3.

Adopt Section 904.3. Identification of Carcasses and Parts; Tagging.  
The Department is incorporating by reference 9 CFR Ch. III (2005) section 310.4.

Adopt Section 904.4. Condemned Carcasses and Parts to be Marked; Tanking; Separation.  
The Department is incorporating by reference 9 CFR Ch. III (2005) section 310.5.

Adopt Section 904.5 Removal of spermatic cords, pizzles and preputial diverticuli.  
The Department is incorporating by reference 9 CFR Ch. III (2005) section 310.7.

Adopt Section 904.6. Passing and Marking of Carcasses and Parts.  
This section was copied, in part, from 9 CFR Ch. III (2005) section 310.8, changing the federal references and terms to pertain to California.

Adopt Section 904.7. Anthrax; carcasses not to be eviscerated; disposition of affected carcasses; hides, hoofs, horns, hair, viscera and contents, and fat; handling of blood and scalding vat water; general cleanup and disinfection.  
The Department is incorporating by reference 9 CFR Ch. III (2005) section 310.9.

Adopt Section 904.8. Carcasses with Skin or Hide On; Cleaning Before Evisceration; Removal of Larvae of Hypodermæ, External Parasites and Other Pathological Skin Conditions.  
The Department is incorporating by reference 9 CFR Ch. III (2005) section 310.10.

Adopt Section 904.9. Cleaning of Hog Carcasses Before Incising.  
The Department is incorporating by reference 9 CFR Ch. III (2005) section 310.11.

Adopt Section 904.10. Abdominal and Thoracic Viscera to be Removed; Sternum to be Split.  
The Department is incorporating by reference 9 CFR Ch. III (2005) section 310.12.

Adopt Section 904.11. Inflating Carcasses or Parts Thereof; Transferring Caul or Other Fat.  
The Department is incorporating by reference 9 CFR Ch. III (2005) section 310.13(a)(2).

Adopt Section 904.12. Handling of Bruised Parts.  
This section was copied, in part, from 9 CFR Ch. III (2005) section 310.14, changing the federal references to reference this proposal.

Adopt Section 904.13. Disposition of Lungs.  
This section was copied, in part, from 9 CFR Ch. III (2005) section 310.16, changing the federal references and terms to pertain to California.

Adopt Section 904.14. Inspection of Mammary Glands.

The Department is incorporating by reference 9 CFR Ch. III (2005 Edition) section 310.17.

Adopt Section 904.15. Contamination of Carcasses, Organs, or Other Parts.

This section was copied, in part, from 9 CFR Ch. III (2005) section 310.18, changing the federal references to reference this proposal.

Adopt Section 904.16. Inspection of Kidneys.

This section was copied, in part, from 9 CFR Ch. III (2005) section 310.19, changing the federal references to pertain to California.

Adopt Section 904.17. Saving of Blood from Livestock as an Edible Product.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 310.20.

Adopt Section 904.18. Identification of Carcasses and Parts of Swine.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 310.23.

Adopt Section 904.19. Specified Risk Materials from Cattle; Handling and Disposition.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 310.22(a)(1), (2), and (3)(ii), (b), and (c).

Adopt Section 904.20. Transferring Caul or Other Fat.

This section was copied from 9 CFR Ch. III (2005) section 310.13(b).

**Adopt Article 6. Disposal of Diseased or Adulterated Carcasses and Parts**

The Branch is establishing a new article to define the standards and requirements for program inspectors, licensed Livestock Meat Inspectors, and licensed Processing Inspectors for the disposal of diseased or adulterated carcasses and parts. The diseases and conditions identified in this article are likely to present a meat-borne hazard to public health and are considered food-safety hazards. Some of the diseases and conditions specified may have other consumer-protection significance. They are defects that rarely or never present a direct public health risk but are unacceptable components of meat and poultry products. Diseases and conditions in these categories are to be removed from the human food supply. The sections under Article 6 are as follows:

Adopt Section 905. Disposal of diseased or otherwise adulterated carcasses and parts; general.

Subsection (a) was copied, in part, from 9 CFR Ch. III (2005) section 311.1(a). The Department eliminated the federal requirements regarding products passed for cooking or refrigeration because cooking and refrigeration of carcasses and parts affected with conditions such as *Cysticercus bovis* is not feasible for product from State licensed and inspected custom livestock slaughterhouses. Such product must be maintained under strict Department control throughout the cooking and refrigeration processes and restrictions are placed on the subsequent use of such

product, which would be impossible for the Department to monitor. The Department does not have the resources that such controls would require. Livestock are slaughtered in custom livestock slaughterhouses for the use of the owners, who generally transport the product directly home for consumption. It is improbable that owners would incur the significant expense, time, and restrictions that result from products passed for cooking or refrigeration.

Subsection (b) was copied, in part, from 9 CFR Ch. III (2005) section 311.1(b) changing federal terms to pertain to California.

Adopt Section 905.1. Tuberculosis.

This section expands upon the requirements of 9 CFR Ch. III (2005) section 311.2. The Department requires tuberculin tests to be administered by the USDA or a state licensed and accredited veterinarian for cattle. However, carcasses of sheep, goats, and fallow deer may be passed for human food if found free of tuberculosis lesions upon determination of the inspector during post-mortem inspection.

Adopt Section 905.2. Hog Cholera.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 311.3.

Adopt Section 905.3. Swine Erysipelas.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 311.5.

Adopt Section 905.4. Diamond-Skin Disease.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 311.6.

Adopt Section 905.5. Arthritis.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 311.7.

Adopt Section 905.6. Cattle Carcasses Affected with Anasarca or Generalized Edema.

This Department is incorporating by reference 9 CFR Ch. III (2005) section 311.8.

Adopt Section 905.7. Actinomycosis and Actinobacillosis.

This Department is incorporating by reference 9 CFR Ch. III (2005) section 311.9

Adopt Section 905.8. Anaplasmosis, anthrax, babesiosis, bacillary hemoglobinuria in cattle, blackleg, bluetongue, hemorrhagic septicemia, icterohematuria in sheep, infectious bovine rhinotracheitis, leptospirosis, malignant epizootic catarrh, strangles, purpura hemorrhagica, azoturia, infectious equine encephalomyelitis, toxic encephalomyelitis (forage poisoning), infectious anemia (swamp fever), dourine, acute influenza, generalized osteoporosis, glanders (farcy), acute inflammatory lameness, extensive fistula, and unhealed vaccine lesions.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 311.10.

Adopt Section 905.9. Neoplasms.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 311.11.

Adopt Section 905.10. Epithelioma of the Eye.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 311.12.

Adopt Section 905.11. Pigmentary Conditions; Melanosis, Xanthosis, Ochronosis, (etc.).

This section was copied, in part, from 9 CFR Ch. III (2005) section 311.13, changing the federal references to reference this proposal.

Adopt Section 905.12. Abrasions, Bruises, Abscesses, Pus (etc.).

The Department is incorporating by reference 9 CFR Ch. III (2005) section 311.14.

Adopt Section 905.13. Brucellosis.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 311.15.

Adopt Section 905.14. Carcasses So Infected That Consumption of the Meat May Cause Food Poisoning.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 311.16.

Adopt Section 905.15. Necrobacillosis, Pyemia, and Septicemia.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 311.17.

Adopt Section 905.16. Caseous Lymphadenitis.

This section was copied, in part, from 9 CFR Ch. III (2005) section 311.18, changing the federal references and terms to pertain to California.

Adopt Section 905.17. Icterus.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 311.19.

Adopt Section 905.18. Sexual Odor of Swine.

This section was copied, in part, from 9 CFR Ch. III (2005) section 311.20, to apply to California requirements.

Adopt Section 905.19. Mange or Scab.

This section was copied from 9 CFR Ch. III (2005) section 311.21.

Adopt Section 905.20. Hogs Affected with Urticaria, Tinea Tonsurans, Demodex Folliculorum, or Erythema.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 311.22.

Adopt Section 905.21. Tapeworm Cysts (Cysticercus Bovis) in Cattle.

The Department is requiring that all carcasses of cattle displaying lesions of Cysticercus bovis shall be condemned. The Department is eliminating the exceptions contained in 9 CFR Ch. III (2005) section 311.23 because parts affected with conditions such as Cysticercus bovis is not feasible for product from State licensed and inspected custom livestock slaughterhouses. Such product must be maintained under strict Department control throughout the cooking and refrigeration processes and restrictions are placed on the subsequent use of such product, which would be impossible for the Department to monitor. The Department does not have

the resources that such controls would require. Livestock are slaughtered in custom livestock slaughterhouses for the use of the owners, who generally transport the product directly home for consumption. It is improbable that owners would incur the significant expense, time, and restrictions that result from products passed for cooking or refrigeration.

Adopt Section 905.22. Hogs Affected with Tapeworm Cysts.

The Department is requiring all carcasses of hogs affected with tapeworm cysts to be condemned. The Department is eliminating the exceptions contained in 9 CFR Ch. III (2005) section 311.24 because parts affected with such conditions are not feasible for products from State licensed and inspected custom livestock slaughterhouses. Such product must be maintained under strict Department control throughout the cooking and refrigeration processes and restrictions are placed on the subsequent use of such product, which would be impossible for the Department to monitor. The Department does not have the resources that such controls would require. Livestock are slaughtered in custom livestock slaughterhouses for the use of the owners, who generally transport the product directly home for consumption. It is improbable that owners would incur the significant expense, time, and restrictions that result from products passed for cooking or refrigeration.

Adopt Section 905.23. Parasites Not Transmissible to Man; Tapeworm Cysts in Sheep; Hydatid Cysts; Flukes; Gid Bladder-Worms.

This section was copied, in part, from 9 CFR Ch. III (2005) section 311.25. The reason the Department eliminated the exception for condemning a sheep carcass affected with tapeworm cysts because parts affected with such conditions are not feasible for products from State licensed and inspected custom livestock slaughterhouses. Such product must be maintained under strict Department control throughout the cooking and refrigeration processes and restrictions are placed on the subsequent use of such product, which would be impossible for the Department to monitor. The Department does not have the resources that such controls would require. Livestock are slaughtered in custom livestock slaughterhouses for the use of the owners, who generally transport the product directly home for consumption. It is improbable that owners would incur the significant expense, time, and restrictions that result from products passed for cooking or refrigeration.

Adopt Section 905.24. Emaciation.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 311.26.

Adopt Section 905.25. Carcasses of Young Calves, Pigs, Kids, Lambs, and Foals.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 311.28.

Adopt Section 905.26. Unborn and Stillborn Animals.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 311.29.

Adopt Section 905.27. Livestock Suffocated and Hogs Scalded Alive.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 311.30.

Adopt Section 905.28. Livers Affected with Carotenosis; Livers Designated as "Telangiectatic," "Sawdust," or "Spotted".

The Department is incorporating by reference 9 CFR Ch. III (2005) section 311.31.

Adopt Section 905.29. Vesicular Diseases.

This section was copied from 9 CFR Ch. III (2005) section 311.32 changing federal statute references to reference this proposal.

Adopt Section 905.30. Listeriosis.

This section was copied from 9 CFR Ch. III (2005) section 311.33, changing federal terminology to pertain to California.

Adopt Section 905.31. Anemia.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 311.34.

Adopt Section 905.32. Muscular Inflammation, Degeneration, or Infiltration.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 311.35(a) and (b).

Adopt Section 905.33. Coccidioid Granuloma.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 311.36.

Adopt Section 905.34. Odors, Foreign and Urine.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 311.37.

Adopt Section 905.35. Meat and Meat Byproducts from Livestock that have been Exposed to Radiation.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 311.38.

Adopt Section 905.36. Biological Residues.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 311.39.

### **Adopt Article 7. Humane Slaughter of Livestock**

The Branch is establishing a new article to define the standards and requirements for program inspectors, licensed Livestock Meat Inspectors and licensed Processing Inspectors for the humane slaughter of livestock. The Humane Slaughter Act (HSA) requires that animals be rendered insensitive to pain before slaughter. The HSA is under the supervision of the United States Department of Agriculture, and slaughterhouse production lines may be halted for any violation of this law. The sections under Article 7 are as follows:

Adopt Section 906. Humane Slaughter of Livestock.

The Department is incorporating by reference 9 CFR Ch. III (2005) Part 313.

Renumber Sections 950, 951, 952, 953, 954, and 955 and group into one section to read Section 906.1. Safe and Humane Handling and Transportation of Fallow Deer to Custom Livestock Slaughter Establishments.

The Department is reorganizing and renumbering/relettering the sections pertaining to the handling of fallow deer. No changes have been made to the requirements.

### **Adopt Article 8. Handling and Disposal of Condemned or Other Inedible Products at Official Establishments**

The Branch is establishing a new article to define the standards and requirements for official establishments to dispose of products that have been condemned, or are otherwise inedible. The purpose of this article is to ensure that such inedible products are prevented from entering food channels. The sections under Article 8 are as follows:

#### **Adopt Section 907. Disposition of Condemned Products at Official Establishments.**

This section was copied from 9 CFR Ch. III (2005) section 314.3, changing federal references to reference this proposal.

#### **Adopt Section 907.1. Carcasses of Livestock Condemned on Ante-Mortem Inspection.**

The Department is incorporating by reference 9 CFR Ch. III (2005) section 314.7

#### **Section 907.2. Dead Animal Carcasses.**

This section was copied, in part, from 9 CFR Ch. III (2005) section 314.8. The Department eliminated the federal provision of allowing a dead animal carcass to be brought on the premises of an official establishment. The Department believes that this will serve to prevent diversion of inedible material into edible channels and to ensure the sanitary conditions of the inspected animals and animal products processed at official establishments.

#### **Section 907.3. Specimens for Educational, Research, and Other Nonfood Purposes.**

The Department is incorporating by reference 9 CFR Ch. III (2005) sections 314.9.

#### **Adopt section 907.5. Livers Condemned Because of Parasitic Infestation and for Other Causes; Conditions for Disposal.**

This section was copied, in part, from 9 CFR Ch. III (2005) section 314.10, changing federal terms and references to pertain to California.

### **Adopt Article 9. Marking Products and Containers**

The Branch is establishing a new article to specify the official, approved marks and marking devices that are to be used by official establishments for their meat food products and their containers. An official mark is an official inspection legend or other symbol showing that the meat food product was inspected and passed inspection. The official mark also serves to inform the public that the meat product has been inspected relative to health and safety, and to protect consumers from fraudulent or deceptive packaging. The sections under Article 9 are as follows:

#### **Section 908. Approval Required for Official Marks.**

This section was copied, in part, from 9 CFR Ch. III (2005) section 316.2 deleting references to federal terms and statutes.

Adopt Section 908.1. Use of Official Marks.

This section was copied, in part, from 9 CFR Ch. III (2005) section 316.3. The Department is not adopting the requirements relating to the official marks for the preparation of canned, cooked, cured, etc., products.

Adopt Section 908.2. Marking Devices.

This section was copied, in part, from 9 CFR Ch. III (2005) section 316.4, changing federal references to pertain to California.

Adopt Section 908.3. Branding Ink.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 316.5.

Adopt Section 908.4. Products Not to be Removed from Official Establishments Unless Marked in Accordance with the Regulations.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 316.6.

Amend and renumber section 930 to read 908.5. Products Marked with Official Marks.

Subsections (a) and (a)(1) has no changes.

Subsection (a)(2) is amended to include a sample of the stamp "Not for Sale" with the letter "C" followed by a hyphen and the establishment number.

Subsection (b) has no changes.

Subsection (c) was deleted, which contained an outdated reference to federal regulations.

Adopt Section 908.6. Marking of Meat Food Products and Poultry Meat Food Products.

Subsection (a) specifies the label required for meat processed in California.

Subsection (b) specifies the required marking of sausages and other products, and that they shall comply with Article 12 of this proposal.

Subsection (c) specifies the requirements for the official inspection legend and list of ingredients for inspected and passed sausage and other products, in casings or in link form, of the smaller varieties.

Subsection (d) specifies the required marking for all cured products, and that they must comply with Article 12 of this proposal.

Adopt Section 908.7. Special Markings for Certain Meat Food Products and Poultry Meat Food Products.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 316.11.



Adopt Section 908.8. Marking of Outside Containers.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 316.13(a), (b), (c) and (d).

Adopt Section 908.9. Marking Outside Containers of Inedible Grease, Inedible Tallow, or Other Inedible Animal Fat or Mixtures.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 316.15.

Adopt Section 908.10. Unmarked Inspected Products.

This section was copied, in part, from 9 CFR Ch. III (2005) section 316.8, changing federal references to pertain to the references in this proposal.

Adopt Section 908.11. Carcass Identification.

The Department is requiring that any custom slaughtered carcass held in a cooler at an official establishment must be properly identified and marked, listing the owner and the date on which it was slaughtered.

**Adopt Article 10. Labeling, Marking Devices, and Containers**

The Branch is establishing a new article to define the requirements and contents of labels, marking devices, and containers. Typically, labeling regulations specify that labels be comprehensible, truthful, and not misleading or deceptive. Labels are generally designed to serve three main objectives: (1) to ensure adequate and accurate information relative to health, safety, and economic concerns; (2) to protect consumers and industry from fraudulent and deceptive packaging and advertising practices; and (3) to promote fair competition and product marketability. The sections under Article 10 are as follows:

Adopt Section 909. Requirements: Supervision by Inspector.

Subsection (a) incorporated by reference 9 CFR Ch. III (2005) section 317.1.

Subsections (b), (c)(1) and (2), (d) and (e) specify the general product labeling and marking requirements for California establishments.

Adopt Section 909.1. Definition and Required Features.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 317.2, and Directive 7220.1 Directive 7220.1, Food Labeling Division Policy Memoranda, Revision 3 (March 2, 1995), published by the United States Department of Agriculture (USDA), Food Safety and Inspection Service. Copies of USDA directives and notices may be found at: <http://www.fsis.usda.gov>.

Adopt Section 909.2. Approval of Abbreviations of Marks of Inspection.

This section was copied from 9 CFR Ch. III (2005) section 317.3(a), except changing federal references to pertain to this proposal.

Adopt Section 909.3. Labeling Approval.

Subsection (a) specifies the required Departmental form (MPI 79-080) to be used when an official establishment applies for approval of labels for their products. The

establishment must maintain a record of its labels for an indefinite period of time, and must be available to the Department for review upon request.

Subsection (b) specifies that the Department will accept sketch labeling submitted for approval, except as provided in subsection (d), and except as provided in section 909.13 (Generically Approved Labeling), and except as prescribed in subsection (f).

Subsection (c) specifies that all labels requiring approval pursuant to subsection (a) shall be submitted on the Department's form (MPI 79-080), in duplicate.

Subsection (d) defines the meaning of sketch labeling and incorporates by reference 9 CFR Ch. III (2005) section 317.2 and Directive 7220.1, Food Labeling Division Policy Memoranda, Revision 3 (March 2, 1995), published by the USDA. The Department further specifies the meaning of sketch labeling (e.g., hand drawn, computer generated, etc.).

Subsection (e) specifies that inserts, tags, liners, and so forth, containing printed or graphic matter for label approval shall be submitted pursuant to subsection (a), except that it contain no misleading features pursuant to 9 CFR Ch. III (2005) section 317.5(b)(7).

Subsection (f)(1), (2), (3), (4) and(5) specify the requirements for temporary label approval.

Subsection (g) specifies that the Department shall approve meat carcass ink brands and meat food product ink and burning brands, provided they comply with Article 13 (Preparation and Processing Operations),

Adopt Section 909.4. Approved Labels to be Used Only on Products to Which They Are Applicable.

This section specifies that all labels shall be used only on products for which they are approved, and only if they have been approved for such products in accordance with section 912.2 (Other Permitted Additives and Uses).

Adopt Section 909.5. False or Misleading Labeling or Practices.

Subsection (a) specifies that no product or any of its wrappers, packaging, or other containers shall bear any false or misleading marking, label, or other labeling and no statement, word, picture, design, or device which conveys any false impression or gives any false indication of origin or quality or is otherwise false or misleading shall appear in any marking or other labeling. No product shall be wholly or partly enclosed in any wrapper, packaging, or other container that is so made, formed, or filled as to be misleading.

Subsection (b) specifies the requirements for hickory smoked, and similar smoked woods, that the product must be 100% smoked with that particular wood.

Subsection (c) incorporates by reference 9 CFR Ch. III (2005) section 317.8(b).

Adopt Section 909.6. Reuse of Official Inspection Marks and Containers.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 317.10.

Adopt Section 909.7. Labeling, Filling of Containers, Handling of Labeled Products.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 317.11.

Adopt Section 909.8. Product Relabeling Requirements.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 317.12.

Adopt Section 909.9. Custom Prepared Products.

This section specifies the requirements for custom prepared products pursuant to 9 CFR Ch. III (2005) section 303.1(a)(2), must be packaged and labeled immediately after preparation (in lieu of information otherwise required by Article 10).

Adopt Section 909.10. Cured Products.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 317.17.

Adopt Section 909.11. Packaging Materials.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 317.24(a), (b), (c), (d), (e) and (g).

Adopt Section 909.12 Storage and Distribution of Labels and Containers Bearing Official Marks.

This section was copied, in part, from 9 CFR Ch. III (2005) section 317.13, changing federal references to pertain to this proposal.

Adopt Section 909.13. Generically Approved Labeling.

Subsection (a) specifies that an official establishment is authorized to use generically approved labeling, as defined in subsection (c), without such labeling being submitted for approval to the Department, provided the labeling is in accordance with 9 CFR Ch. III (2005) section 317.2 and Directive 7220.1, Food Labeling Division Policy Memoranda, Revision 3 (March 2, 1995), published by the USDA.

Subsection (b) specifies that the Department shall select samples of generically approved labeling from the records maintained by official establishments as required in section 909.3 (Labeling Approval), to determine compliance with labeling requirements.

Subsection (c) incorporates by reference 9 CFR Ch. III (2005) sections 317.5(b)(1), (2), (4), (7), and (9)(i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii), (xix), (xx), (xxii), and (xxiii).

Adopt Section 909.14. Rescindment of Labels.

For tracking and record keeping purposes, the Department is requiring, once a year, that each establishment submit a list of its obsolete labels, in quadruplicate, along with a statement that the approvals are no longer desired.

**Adopt Article 11. Entry into Official Establishments:  
Reinspection and Preparation of Products**

The Branch is establishing a new article to define the requirements for products entering official establishments, the reinspection of products or parts of products returned to the establishment, and the requirements for preparing products leaving the establishment (marks, labels, etc.). The intent of this article is to ensure inspected products do not come into contact with uninspected products at official establishments to prevent contamination, and to ensure the proper labeling of inspected and passed products destined for the marketplace. The sections under Article 11 are as follows:

**Adopt Section 910. Products and Other Articles Entering Official Establishments.**

The Department is incorporating by reference the products and articles listed in 9 CFR Ch. III (2005) section 318.1(b), (c), (d), (e), (g), and (h), that official establishments must comply with 9 CFR Ch. III (2005) section 318.1(a), (b), (c), (d), (e), (g), (h)(1), (i), and (j). except that an inspected product cannot be returned to an official establishment unless approved by the Department.

**Adopt Section 910.1. Reinspection, Retention, and Disposal of Meat and Poultry Products at Office Establishments.**

The Department is incorporating by reference 9 CFR Ch. III (2005) section 318.2(a), (b) and (d).

**Adopt Section 910.2. Designation for Receipt of Products and Other Articles for Reinspection.**

This section was copied, in part, from 9 CFR Ch. III (2005) section 318.3, changes federal references to pertain to this proposal.

**Adopt Section 910.3. Preparation of Products; Supervision; Responsibilities of Official Establishments.**

Subsections (a) and (b) provide instructions and requirements for the processes used in curing, pickling, rendering, canning, or otherwise preparing any product in official establishments, unless they are exempt under 9 CFR Ch. III (2005) section 303.1(a)(2). It is the responsibility of the operator of the official establishment to ensure compliance with applicable statutes and regulations. Any measures instituted by the operator to ensure compliance shall be subject to review by the Department.

**Adopt Section 910.4. Product Procedures and Requirements.**

This section was copied from 9 CFR Ch. III (2005) section 318.5, except the Department included forms In-Depth Review of Cooked Sausage (MPI Form 79-082) and In-Depth Review of Cured/Cooked and Smoke Meats (MPI Form 79-085). The Department also added requirements for pickles, and that beef, pork, poultry and sheep and goat meat shall be kept separate in storage and processing, except when incorporated in a multi-species product, and processing equipment shall be cleaned between species.

Adopt Section 910.5. Ingredients and Other Articles used in Preparation of Products.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 318.6(a) and (b)(1) through (12), except the Department is requiring official establishments to maintain letters of guaranty and identification and labeling of non-meat ingredients and dairy products not produced in a USDA inspected plant, or labeled as “Food Grade” or “Food Chemical Codes”.

Adopt Section 910.6. Samples of Products, Water, Dyes, Chemical, etc., to be taken for Examination.

This section was copied, in part, from 9 CFR Ch. III (2005) section 318.9. The Department is not adopting the federal reference to the cost of taking samples of products, water, dyes, etc., from official establishments.

Adopt Section 910.7. Prescribed Treatment of Pork and Pork Products to Destroy Trichinae.

Subsection (a) incorporates by reference 9 CFR Ch. III (2005) section 318.10(a) and (b).

Subsection (b)(1) and (2) incorporates by reference 9 CFR Ch. III (2005) section 318.10(c)(1) and (2)(i), (ii), (iii) and (iv).

Subsection (b)(2)(A) specifies that refrigerated products shall be kept separate from other products and equipped with locks or seals.

Subsection (b)(2)(B) specifies frozen products shall be sealed and stamped with the lot number, if any, and the date of entry into the retention freezer.

Subsection (b)(2)(C) specifies that products undergoing freezing shall have recording thermometers placed at or above the highest level at which the product is stored, and away from refrigerating coils.

Subsection (b)(2)(D) specifies the requirements for pork.

Subsection (b)(2)(E) specifies the required form for pork, MPI Form 79-087, Plants Freezing Pork to Destroy Trichina.<sup>1</sup>

Subsection (b)(2)(F) specifies the required form for pork, MPI Form 79-088, Plant Certified Pork Use Record.

Subsection (b)(2)(G) specifies the required marking of boxes for products containing pork.

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<sup>1</sup> *Trichinella spiralis* is a parasitic nematode (roundworm) which is found in many warm-blooded carnivores and omnivores, including pigs. It has a long standing association with pork products, not only in the United States but also around the world. The concept which many people have about the need to cook pork thoroughly is based on the risk of becoming infected with this parasite. The historical problem of trichinae infection in pigs is responsible for strict federal control of methods used to prepare ready-to-eat pork products in the United States.

Subsection (b)(2)(H) specifies the form required for recording times and temperatures for frozen products, MPI Form 79-030, Plant Inspection Report, and MPI Form 79-087, Plants Freezing Pork to Destroy Trichina.

Subsection (b)(3) incorporates by reference 9 CFR Ch. III (2005) section 318.10(c)(3).

Subsection (b)(4) incorporates by reference 9 CFR Ch. III (2005) section 318.10(c)(4).

Subsection (c) incorporates by reference 9 CFR Ch. III (2005) section 318.10(d).

Subsection (d) incorporates by reference 9 CFR Ch. III (2005) section 318.10(e).

Subsection (e) specifies the procedures for the Department to consider alternative methods for the treatment of trichinosis.

Adopt Section 910.8. Adulteration of Product by Polluted Water.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 318.14(a) and (b).

Adopt Section 910.9. Tagging Chemicals, Preservatives, Cereals, Spices, etc., California Retained.

This section was copied, in part, from 9 CFR Ch. III (2005) section 318.15 changing federal references to pertain to California.

Adopt Section 910.10. Pesticide Chemicals and Other Residues in Products.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 318.16(a) and (b).

Adopt Section 910.11. Requirements for the Production of Cooked Beef, Roast Beef, and Cooked Corned Beef Products.

The Department is adopting its own requirements for the product of cooked beef, roast beef and cooked corned beef products. There are federal requirements for these products in 9 CFR Ch. III (2005) section 318.17, but they require that the products be produced under Hazard Analysis and Critical Control Point (HACCP) plans and/or a process schedule that has been approved by a process authority. USDA inspected plants must prove pathogen lethality and stabilization for these products, which is beyond the reasonable capabilities of Department licensed and inspected meat processing establishments. The requirements in the proposed text are from federal regulations that preceded implementation of HACCP in federally inspected plants. Department licensed and inspected meat processing establishments are not required to have HACCP plans.

Adopt Section 910.12. Compliance Procedure for Cured Pork Products.

This section was copied, in part, from 9 CFR Ch. III (2005) section 318.19. The portions of section 318.19 that were not copied pertain to determining whether sampling of applicable products must be done on a daily or periodic basis and to

requirements for establishments operating under quality control systems. These parts are irrelevant in official establishments under Department inspection because the sampling will only be periodic and will be conducted by Department when it deems such sampling is necessary and these official establishments do not have Department recognized quality control systems.

Adopt Section 910.13. Use of Animal Drugs.

This section was copied from 9 CFR Ch. III (2005) section 318.20 changing federal terms to pertain to this proposal.

Adopt Section 910.14. Determination of Added Water in Cooked Sausages.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 318.22.

Adopt Section 910.15. Cooling of Heated Products.

This section conforms to the language in the California Uniform Retail Food Facilities Law (CURFFL) found in the Health and Safety Code (Div. 104. Environmental Health, Part 7. Retail Food, Chapter 4. Retail Food Practices). The USDA does not address cooling and holding of products, except for trichina control in pork. The Department believes it should be addressed and that the requirements must be consistent with CURFFL because its requirements apply to the products in question.

Adopt Section 910.16. Cooled Uncured Product Holding Temperatures.

This section conforms to the language in CURFFL found in the Health and Safety Code (Div. 104. Environmental Health, Part 7. Retail Food, Chapter 4. Retail Food Practices). The USDA does not address cooling and holding of products, except for trichina control in pork. The Department believes it should be addressed and that the requirements must be consistent with CURFFL because its requirements apply to the products in question.

Adopt Section 910.17. Hot Uncured Cooked Product Holding Temperatures.

This section conforms to the language in CURFFL found in the Health and Safety Code (Div. 104. Environmental Health, Part 7. Retail Food, Chapter 4. Retail Food Practices). The USDA does not address cooling and holding of products, except for trichina control in pork. The Department believes it should be addressed and that the requirements must be consistent with CURFFL because its requirements apply to the products in question.

Adopt Section 910.18. Methods of Rapid Cooling.

This section conforms to the language in CURFFL found in the Health and Safety Code (Div. 104. Environmental Health, Part 7. Retail Food, Chapter 4. Retail Food Practices). The USDA does not address cooling and holding of products, except for trichina control in pork. The Department believes it should be addressed and that the requirements must be consistent with CURFFL because its requirements apply to the products in question.

## **Adopt Article 12. Definitions and Standards of Identity or Composition**

The Branch is establishing a new article for the definitions and standards of identity or composition of specified products. The intent of this article is to ensure the proper labeling of inspected and passed products destined for the marketplace. Standards of identity also ensure an acceptable level of product quality is provided to the consumer and they are necessary for processed products. Standards of composition require that categories and contents of meat and poultry products be established. Standards of composition are set for similar categories of meat or poultry products and recommend the same percentage of meat and poultry contribution for similar products, and the percentages are stated on a cooked basis. The food standards and composition specified in this article have historically been used to process safe and wholesome foods. The sections under Article 12 are as follows:

### **Adopt Section 911. Product Definitions and Standards of Identity or Composition.**

The Department is incorporating by reference 9 CFR Ch. III (2005) Part 319 (commencing with section 319.1), 9 CFR Ch. III (2005) Part 381, Subpart P (commencing with section 381.155), and the Food Standards and Labeling Policy Book (May 2003 Edition), published by the United States Department of Agriculture, Food Safety and Inspection Service, Office of Policy Program Development.

### **Adopt Section 911.1. Mexican Style Chorizo.**

This section, in part, incorporates by reference 9 CFR Ch. III (2005) section 424.21, Directive 7120.1, Safe and Suitable Ingredients Used in the Production of Meat and Poultry Products, Amendment 1 (November 3, 2003), Amendment 2 (August 4, 2004), and Amendment 3 (April 7, 2005) published by the United States Department of Agriculture (USDA), Food Safety and Inspection Service.

In addition to the above-references federal regulations, the Department is specifying the further preparation of Mexican style chorizo, absent federal regulations, because Mexican style chorizo is often prepared and stored at room temperatures, which gives it the appearance of a ready-to-eat product. This greatly enhances its potential as a hazardous product. The Department, recognizing the need to develop standards for the production of Mexican style chorizo funded a research project conducted by the University of California Davis to evaluate survival of foodborne bacterial pathogens in chorizos. The final report was issued on January 20, 2004 and the standards in this section are largely based on the results of this project.

## **Article 13. Preparation and Processing Operations**

The Branch is establishing a new article to define the standards and requirements for preparation and processing operations at official establishments and to be consistent with federal requirements. The intent is to prevent any conditions that could present a meat-borne hazard to public health. Some ingredients or processes used for meat food products may be unacceptable components of meat and poultry products. The sections under Article 13 are as follows:



Adopt Section 912. Purpose and Scope.

This section provides references to Article 11 (Entry Into Official Establishments; Reinspection and Preparation of Products) and Article 12 (Definitions and Standards for Identity or Composition), and incorporates by reference 21 CFR Ch. I (April 1, 2004) Part 170, Subchapter A or Subchapter B.

Adopt Section 912.1. Use of Food Ingredients.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 424.21, Directive 7120.1, Safe and Suitable Ingredients Used in the Production of Meat and Poultry Products, Amendment 1 (November 3, 2003), Amendment 2 (August 4, 2004), and Amendment 3 (April 7, 2005) published by the USDA.

Adopt Section 912.2. Other Permitted Additives and Uses.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 424.22(a) and (b).

Adopt Section 912.3. Prohibited Uses.

The Department is incorporating by reference 9 CFR Ch. III (2005) section 424.23.

**Adopt Article 14. Records and Reports**

The Branch is adopting a new article to specify the records and reports required for official establishments. The sections under Article 14 are as follows:

Adopt Section 913. Custom Livestock Slaughter Reports.

This section specifies the procedures for each custom livestock slaughterhouse to complete the following Departmental forms: MPI Form 79-072 (Rev. 12/04) Daily Livestock Slaughter Report, and MPI Form 79-073 (Rev. 12/04) Monthly Summary Livestock Slaughtered and Inspected.

Adopt Section 913.1. Meat Processing Reports.

This section specifies the procedures for each meat processing establishment to complete following Department reports: MPI Form 79-070 (Rev. 12/04) Daily and Monthly Processing Report, and MPI Form 79-071 (Rev. 12/04) Monthly Report Processing Operations at State Inspected Meat and Poultry Official Establishments.

**Underlying Data**

The Departmental forms, publications, and the federal policies and notices are incorporated by reference in this proposal because the documents are specific to the meat and poultry slaughter and processing industry. Industry persons are provided with the appropriate forms and publications, and are provided with information on how to obtain specific sections of the federal statutes and regulations. The general public is not directly regulated by this proposal, however, they benefit from the standards and requirements established by the Department for meat and poultry inspection to ensure a safe and wholesome food supply for consumers.

Copies of reference materials may be obtained as follows:

- All references in this proposal to any state or federal publications, statutes and/or regulations may be found on the Internet, college, state or county libraries, or by contacting the Department.
- The Meat and Poultry Inspection forms and publications may be obtained by contacting the Department.
- The United States Code and the Code of Federal Regulations may be found at:  
<http://www.gpoaccess.gov/uscode/index.htm>  
<http://www.gpoaccess.gov/cfr/index.htm>

U.S. Government Printing Office, 732 N. Capitol Street, NW,  
Washington, DC 20401

- Directives, policies and notices, published by the United States Department of Agriculture, Food Safety and Inspection Service, may be found at:  
<http://www.fsis.usda.gov>

### **Business Impact**

The Department has made an initial determination that this proposed regulatory action will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. This proposal pertains to custom livestock slaughterhouses, pet food slaughterers, and meat processing establishments that are exempt from federal inspection. It also pertains to licensed Livestock Meat Inspectors and Processing Inspectors performing meat inspection activities. This proposal imposes the following paperwork, reporting and record keeping requirements upon businesses:

Paperwork, Reporting and Record Keeping: (a detailed list is included in the rulemaking file, along with form numbers, and is available to the public by contacting the persons named in this Notice):

Completion of application forms for businesses applying for a Custom Livestock Slaughterhouse license or a Meat Processing Plant license;

Completion of an application for a permit to obtain specimens from official meat processing establishments;

Completion of reports and records for plant inspection: Schedule of operations; general facility notes; daily and monthly processing report; monthly report for processing operations at state inspected meat and poultry establishments; daily livestock slaughter report; monthly summary of livestock slaughtered and inspected; label formulation and approval form; In-depth review of cooked sausage; In-depth review of cured/cooked and smoked meats; smokehouse chart; plants freezing pork to destroy trichina; plant certified pork use record.  
Custom Livestock Slaughterhouse plan guidelines and Custom Livestock

Slaughterhouse construction and equipment guidelines; Meat Processing Establishment plan guidelines, and Meat Processing Establishment construction and equipment guidelines.

### **Specific Technologies or Equipment**

This proposal does not mandate the use of specific technologies or equipment; however, the USDA and meat and poultry industries may require or utilize specific technologies or equipment.

### **Consideration of Alternatives**

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Department of Food and Agriculture would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed regulation.